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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,117	03/12/2004	Daniel P. Guyton	30011.24987	7081

7590 10/18/2006  
BROUSE MCDOWELL  
A Legal Professional Association  
388 South Main Street, Suite #500  
Akron, OH 44311-4407

EXAMINER

EDELL, JOSEPH F

ART UNIT PAPER NUMBER

3636

DATE MAILED: 10/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/799,117	Applicant(s) GUYTON ET AL.	
	Examiner Joseph F. Edell	Art Unit 3636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 06 October 2006 has been entered.

### ***Claim Objections***

2. Claims 1 and 6 objected to because of the following informalities:
- a. claim 1, line 10, "front and rear portion" should read --front and rear portions--;
  - b. claim 6, line 10, "front and rear portion" should read --front and rear portions--.
- Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 1-3 and 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,361,433 to Vanzant in view of U.S. Patent No. 6,113,188 to Stewart et al.

Vanzant disclose an air lifted seat apparatus that is basically the same as that recited in claims 1-3 and 6-8 except that the apparatus lacks a rigid base, a cover, a compartment, self-contained air compressor, and a second valve, as recited in the claims. See Figures 1-6d of Vanzant for the teaching that the apparatus has a one-piece inflatable bladder (see Fig. 1) including a rectangular front portion, a rectangular rear portion with a height at least three times the height of the front portion upon full inflation, and first and second trapezoidal shaped side panels operatively connected to the front and rear portions, a valve (see Fig. 2) operatively connected to one of the first and second side panels, an air compressor 14, and a hose 18,62 with first end connected to the compressor and a second end connected to the valve wherein the front portion rises in unison with the rear portion. Stewart et al. show an air lifted seat apparatus similar to that of Vanzant wherein the apparatus has a rigid base 12 (see Fig. 1), an inflatable bladder 16, a compartment (see Fig. 5) located near a side panel of the bladder, a rechargeable self-contained air compressor 18 connected to the base, a cover 14 positioned over the bladder and operatively connected to the base, and a valve 32 devoted to deflation. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Vanzant such that the apparatus has a rigid base connected to the bladder, a compartment located at one of the side panels of the bladder and operatively connected

to the base, the air compressor is a rechargeable, self-contained, and positioned in the compartment, a cover positioned over the bladder and operatively connected to the base, and a second valve for deflation and operatively connected to a side panel, such as the apparatus disclosed by Stewart et al. One would have been motivated to make such a modification in view of the suggestion in Stewart et al. that the rigid base and cover provide a carrying case for transporting the apparatus, the self-contained air compressor in the compartment provides a battery powered compressor small enough to fit within the carrying case, and the deflation valve allows for lowering the bladder.

With respect to claims 3 and 8, modifying the height of the rear portion to be approximately 7 inches higher than the front portion at full inflation would have been obvious at the time of Applicant's inventions because the use of optimal or workable ranges discovered by routine experimentation is ordinarily within the skill of the art. Further, it would have been an obvious matter of design choice to modify the height of the rear portion of the bladder since Applicant has not disclosed that having the specific height range solves any stated problem or is for any particular purpose, and it appears that the bladder would perform equally well with any well known height range used in the seat art.

5. Claims 4, 5, 9, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vanzant in view of Stewart et al. as applied to claims 1-3 and 6-8 above, and further in view of U.S. Patent No. 6,264,279 B1 to Chow.

Vanzant, as modified, discloses a seat apparatus that is basically the same as that recited in claims 4, 5, 9, and 10 except that the cover lacks a connecting means, as

recited in the claims. Chow shows a seat apparatus similar to that of Vanzant wherein a cover 268 (Fig. 14a) has a removable connecting means and contains material to minimize slippage. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the seat apparatus of Vanzant such that the cover has a removable connecting means and contains material to minimize slippage, such as the seat apparatus disclosed in Chow. One would have been motivated to make such a modification in view of the suggestion in Chow that the removable cover protects from debris and is water resistant.

### ***Response to Arguments***

6. Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph F. Edell whose telephone number is (571) 272-6858. The examiner can normally be reached on Mon.-Fri. 8:30am-5:00pm.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Joe Edell", written over a faint, stylized graphic element that resembles a triangle or a stylized letter 'A'.

Joe Edell

October 15, 2006